

### SECTION III—REMARKS

This amendment is submitted in response to the Office Action mailed August 9, 2005. Claims 1, 11 and 21 are amended herein to overcome the Examiner's objections and rejections under 35 U.S.C. § 112.

Claims 1-30 remain pending in the application, but claims 2, 3, 5, 10, 12, 13, 15, 20, 22, 23, 25 and 30 are withdrawn pursuant to a previous election by Applicants. Applicants respectfully request reconsideration of the application and allowance of all claims pending but not withdrawn in view of the above amendments and the following remarks.

#### Drawing Objections

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a) because they allegedly do not show every feature of the invention recited in the claims. Specifically, the Examiner alleges that the drawings do not show a reflector formed in "one or more" of the plurality of layers of a wafer, as recited at claim 1, line 3.

Applicants have amended claim 1 so that it now recites a reflector formed in "a layer" of the silicon wafer. In view of this amendment, Applicants submit that the drawings now show every feature of the invention recited in the claims, and that the Examiner's objection has been overcome.

#### Claim Objections

The Examiner objected to claims 11 and 21 because of some informalities. According to the Examiner, in claim 11, line 5 and in claim 21, lines 6-7, "the incident beam" should be changed to --an incident beam--. Applicants have amended the claims as suggested by the Examiner, and respectfully request that this overcomes the Examiner's objections.

#### Rejections Under 35 U.S.C. § 112

The Examiner rejected claims 1-10 under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. According to the Examiner, the claims contain subject matter not described in the specification in such a way as to reasonably convey to one of ordinary skill in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner alleges that the

specification does not describe a reflector formed in “one or more” of the plurality of layers of a wafer, as recited at claim 1, line 3.

Applicants respectfully traverse the Examiner’s rejections. Applicants have amended claim 1 so that it now recites a reflector formed in “a layer” of the silicon wafer. In view of this amendment, Applicants submit that the specification now describes the subject matter of the claims in such a way as to reasonably convey to one of ordinary skill in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully submit that this overcomes the Examiner’s objection.

#### Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1, 4, 6-9, 11, 14, 16-19, 21, 24 and 26-29 as anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,506,620 to Scharf *et al.* (“Scharf”). Applicants respectfully traverse the Examiner’s rejections.

Scharf was filed November 27, 2000 (hereinafter the “Reference Date”). Applicants have submitted herewith a declaration under 37 C.F.R. § 1.131 by the inventors, Bruce R. Scharf and Troy Daiber. As shown in the declaration and accompanying exhibits, the claimed invention was conceived prior to the Reference Date. Additionally, the inventors exercised substantial and continuous diligence in obtaining both actual and constructive reductions to practice, beginning prior to the Reference Date and extending at least through the filing date of the present application.

The attached declaration and exhibits clearly show that the invention described and claimed in the present application was conceived prior to the Reference Date. The declaration also clearly shows that the inventors did not abandon the application, but instead exercised substantial diligence to obtain actual and constructive reductions to practice. Applicants respectfully submit that Scharf therefore cannot be used under 35 U.S.C § 102(e) to anticipate any claims in the present application. Applicants therefore respectfully request withdrawal of the rejection and allowance of the claims.

#### Conclusion

Given the above amendments and accompanying remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has overlooked a teaching

in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (206) 292-8600.


Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 12-9-05

  
Todd M. Becker  
Attorney for Applicant(s)  
Registration No. 43,487

Blakely, Sokoloff, Taylor & Zafman LLP  
12400 Wilshire Boulevard, Seventh Floor  
Los Angeles CA 90025-1030  
Phone: 206-292-8600  
Facsimile: 206-292-8606

Enclosures: Postcard  
Amendment transmittal, in duplicate  
Declaration under 37 C.F.R. § 1.131 of Bruce R. Scharf and Troy Daiber  
Petition for a one-month extension of the period for reply  
Check for \$120